

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

RICHARD KIRSTEN

Claim No. CU-1402

Decision No. CU 93

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by RICHARD KIRSTEN for \$2,355.63 based upon the asserted ownership and loss of a stock interest. Claimant, RICHARD KIRSTEN, states that he has been a national of the United States since his birth on November 15, 1906, in New York City.

Under Section 503 of the International Claims Settlement Act of 1949, as amended (64 Stat. 12; 69 Stat. 562; 72 Stat. 527; 78 Stat. 1110; 79 Stat. 988) the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. That section provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

(a) . . . losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures direct against, property including any rights, or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States, . . .

Claimant has based his claim on 100 shares of the Cuban Electric Company, a Florida Corporation.

Section 502(1) of the Act defines the term "national of the United States" as "... (B) a corporation or other legal entity which is organized under the laws of the United States, or of any state, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity."

The record in the Claim of Cuban Electric Company on file within the Commission (FCSC Claim No. CU-2578), establishes that the claimant corporation qualifies as a United States national within the meaning of Section 502 (1)(B) of Title V.

Section 505(a) of the Act provides that

"A claim under section 503(a) of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall not be considered . . ."

The Commission concludes that since this claim is based on a stock interest in a corporation which qualifies as a United States national, the Commission is precluded, under Section 505(a) of the Act from considering this claim. Accordingly, it is hereby denied.

(See the Claim of Mary F. Sonnenberg, FCSC Claim No. CU-0014.)

The Commission deems it unnecessary to make specific findings with respect to other elements of this claim.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission.

JUN 28 1967

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

CERTIFICATION

This is a true and correct copy of the decision of the Commission which was entered as the final decision on JUL 28 1967

Frank M. Thompson
Clerk of the Commission

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 20 days after service or receipt of notice of this Proposed Decision upon the expiration of 30 days after such service or receipt of notice, the decision will be entered as the Final Decision of the Commission, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)